

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EQUIPMENT CORPORATION OF AMERICA, INC.,

Plaintiff,

v.

Case No. 07-C-749

RV JET, INC.,

Defendant.

ORDER FOR JUDGMENT AND FEES

In granting the Plaintiff's motion for summary judgment, I ordered Plaintiff to submit to the Court a statement of its reasonably incurred attorney's fees, which are provided for in the contract at issue here. Defendant has now filed a statement disputing the reasonableness of the fees sought (\$45,092); it suggests they are excessive by roughly \$17,500.

Defendant claims the fees sought are excessive for two reasons. First, it suggests that the filing of the summary judgment motion in this case was unnecessary because, by that point, it had essentially decided to throw in the towel and agree to Plaintiff's interpretation of the key clause in the contract at issue. It thus seeks to reduce Plaintiff's fees incurred in the summary judgment motion by half. Second, the Defendant cites instances in which it believes discovery requests were improper or unnecessary, particularly requests Plaintiff made for documents it should already have possessed.

Although Defendant is not blameless for the drawn-out way this case unfolded (given that there was ultimately no real dispute), I am satisfied that its objections to the fees sought are

reasonable. In addition to the problems it has outlined, it is unreasonable more generally to expend \$45,000 in pursuit of what was a relatively simple case involving a pure question of law. Notably, the liens the Plaintiff complained of were removed quickly, and it is uncertain how it was actually injured by the Defendant's conduct. Accordingly, I will reduce the fee award by the amount Defendant has requested. There is no objection to costs.

Judgment is to be entered as follows. The Court declares that RV Jet has breached the Joint Ownership Agreement by encumbering the Gates Lear Jet aircraft without ECA's consent. Pursuant to the terms of the agreement, Defendant shall pay Plaintiff \$27,605 for attorney's fees and \$4,361.67 in costs.

SO ORDERED this 1st day of December, 2008.

s/ William C. Griesbach
William C. Griesbach
United States District Judge